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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,551	09/10/2003	Patrick L. Kurzeja	60,130-1839; 03MRA0243	3098

26096 7590 05/03/2005

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT PAPER NUMBER

3679

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/659,551

Applicant(s)

KURZEJA, PATRICK L.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The finality of the rejection of the last Office action is withdrawn due to the new grounds for rejection at item 6 below.

*Drawings*

3. The drawings filed April 20, 2005 are objected to because reference numeral 100 appears in Fig. 3 but is not mentioned in the description. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 102*

4. Claims 1, 3, 5, 6, 8, 10, 11, 13 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mangas et al, US 5,716,276 (Mangas).

a. Claims 1, 3 & 5. Fig. 3 shows a configurable driveshaft assembly 100 comprising: a male component 10 (see also Fig. 1); a female component 110, 116, 118 in engagement with the male component, the female component comprising a tubular configurable segment 116 between a female yoke 118 and a receptacle member 110, the length of the configurable segment 116 is part of the overall length of the driveshaft assembly; and a seal 124 received at one end of the female component, and the male component 10 having a yoke 18, 20 and a stem 26 extending from the yoke into the female component, the seal 124 sealing an outer peripheral surface of the stem.

a. Claims 6, 8 & 10. Fig. 3 shows a drivetrain assembly comprising: first axle 102; an interaxle driveshaft 100 connected to the first axle, the interaxle driveshaft comprising a tubular configurable segment 116 between a female yoke 118 and a receptacle member 110, the length of the configurable segment 116 is part of the overall length of the driveshaft assembly; a second axle 104 connected to the interaxle driveshaft; and a seal 124 received at one end of the receptacle member, and a male component 10 having a yoke 18, 20 and a stem 26 extending from the yoke into the receptacle member, the seal 124 sealing an outer peripheral surface of the stem.

b. Claims 11, 13 & 15. Fig. 3 shows a drivetrain assembly comprising: a transmission 102; a forward driveshaft 100 connected to the transmission, the forward driveshaft comprising a tubular configurable segment 116 between a female yoke 118 and a

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receptacle member 110, the length of the configurable segment 116 is part of the overall length of the driveshaft assembly; an axle 104 connected to the forward driveshaft; and a seal 124 received at one end of the receptacle member, and a male component 10 having a yoke 18, 20 and a stem 26 extending from the yoke into the receptacle member, the seal 124 sealing an outer peripheral surface of the stem.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 9, 14 & 16-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Mangas in view *Mechanical Engineering Design*. Mangas discloses in col. 3, lines 42-55 (see also Fig. 3) that one end of the tubular configurable segment 116 is welded to the outer peripheral surface of the female yoke 118 and the other end of the tubular configurable segment 116 is welded to the outer peripheral surface of the receptacle member 110. Mangas does not expressly disclose the ends of the tubular configurable segment 116 are beveled. *Mechanical Engineering Design* discloses in Fig. 9-6 that a typical weld connection like that disclosed in Mangas includes beveled edges. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the driveshaft assembly of Mangas by beveling the ends of

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the configurable segment 116 since such a modification is a well known means for providing a welded connection as disclosed in *Mechanical Engineering Design*.

#### *Response to Arguments*

7. Applicant's arguments filed April 20, 2005 have been fully considered but they are not persuasive. Applicant argues that Mangas fails to show the claimed invention because Mangas shows the seal 124 received on an enlarged portion 126 that allegedly is not movable within the receptacle member 110. However, Mangas does show the claimed invention because Fig. 3 of Mangas clearly shows the seal 124 received on a stem 26 that is movable within the receptacle member 110. Whether or not the seal is received on an enlarged portion of the stem is immaterial because there is nothing recited in the claims which precludes such structure.

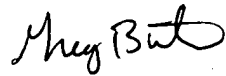
#### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
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